

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By **CHAIRMAN ARNIE MOHL**, on March 18, 1999 at 3:25 P.M., in Room 410 Capitol.

ROLL CALL

Members Present:

Sen. Arnie Mohl, Chairman (R)
Sen. Ric Holden, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Bob DePratu (R)
Sen. Greg Jergeson (D)
Sen. Glenn Roush (D)
Sen. Debbie Shea (D)
Sen. Spook Stang (D)
Sen. Daryl Toews (R)

Members Excused: Sen. John Hertel (R)
Sen. Reiny Jabs (R)

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Phoebe Olson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Discussions with Montana Department of Transportation.

SENATOR MOHL, explained the purpose of the meeting.

Marv Dye, MT Department of Transportation, said they were prepared to give the committee a sense of how projects were developed, and to answer questions from the committee.

Pat Saindon, MT Department of Transportation, explained her job in the planning division. She handed out brochures and explained them. **EXHIBIT(his61a01)**

SENATOR MOHL, asked what they meant when they say they get information from the public.

Pat Saindon, said they solicit information by a lot of different formats. She maintained they hold public meetings, they have an internet site and e-mail address, and many other sources.

SENATOR MOHL, asked how many years it took to complete a project.

Pat Saindon, replied around 5 to 6 years.

SENATOR DEPRATU, asked if there were plans to work on the section of Highway 93 near Whitefish, where the little girl was killed three weeks ago.

Dennis Hunzworth, said that area was 12th on the district priority list.

SENATOR DEPRATU, asked how long it would take to get to it if it was 12th on the priority list.

Dennis Hunzworth, replied it was not on the schedule to be completed in the near future.

SENATOR SHEA, asked who was responsible for replacing guard rails after an accident had occurred.

John Blacker, said generally speaking when there were accidents they received a report from the highway patrol and the person responsible for the accident is responsible for the cost of the property damage.

Jim Walther, MT Department of Transportation, talked about the project management system. He explained that there were three different phases, the Survey Phase, the Design Phase, and the Right-of-Way Phase. For further explanation of these phases see exhibit one.

SENATOR COLE, wondered if condemnation was a major part of the Department's work.

Jim Walther, said it was a much larger part of their work today, than it was before seven years ago. He said many projects were in condemnation and had to be settled in court.

SENATOR COLE, wondered if the increase in condemnations were seen statewide.

Jim Walther, said they did see it statewide but it was more prevalent in western Montana.

Carl Schweitzer, Kalispell Chamber of Commerce, asked what was really delaying the reconstruction of Highway 93.

Jim Walther, said there were a lot of jobs on Highway 93 in various stages. He maintained that some were being built and some were, for the most part, ready to be put to contract but right-of-way issues were holding them up. He commented that some hold ups were because of environmental reasons. He maintained it was hard to pin point exactly where all the delays were coming from.

Jim Currie, MT Department of Transportation, said, in general, Highway 93 from border to border was a real difficult area for the Department. He contended that up by Kalispell condemnations were a big issue. He claimed that they were unable to come to agreements with the tribes on some right-of-way issues as well. He said the Flathead Resource Organization and Friends of the Bitterroot were very active in stopping highway construction.

Marv Dye, said they were looking at several ways to quickly move forward with right-of-way issues on Highway 93. He explained that one way would be to have a settlement master, appointed by a judge to quickly look at it and get a decision. He maintained that it was difficult to get a court date in these cases, which led to hold ups in finishing projects. He said they were exploring as many concepts as they could to speed the process up.

SENATOR DEPRATU, said it seemed to him they had been slow to arrive at that concept. He maintained that many people in the Flathead area were willing to help and were not allowed to participate. In his opinion if it had been handled differently the cases could have been solved long before now.

Marv Dye, said that was probably true. They hadn't engaged local folk to get involved in the process, and that could be the right thing to do. He said they were willing to change the way they do business in that regard.

SENATOR DEPRATU, said legislators knew their local constituents and would be able to suggest local attorneys that might be able to solve the problems in a more timely manner. He said many times people were more responsive to people in their home area that they knew and trusted.

Marv Dye, said that was good advice and they were willing to take it.

SENATOR DEPRATU, wondered if they started right-of-way proceedings earlier if projects might get done sooner.

Marv Dye, replied for the most part those proceedings start very early in the project. He said they are exploring the concept of going out and identifying right-of-way necessity in the first stages of the project, to get it to court earlier.

SENATOR MOHL, asked if there were a lot of problems getting the Departments together to resolve the environmental problems.

Jim Walther, replied that was a significant problem. He said it had grown in the last several years and had become very frustrating.

Mike Foster, MT Contractors Association, said that members of the Department had mentioned this problem to him as well. He thought it was in the best interest of Montana for the legislature to step forward and help the department out with problems of environmental permitting. He said obviously on the federal level they depend on the Congressional delegation who had stepped forward to help. He said the legislature could play an important role and still had options even at this late stage in the session.

Marv Dye, said this issue was brought to a head by the Victor Bridge project. He thought that the Department was in agreement and then they discovered they were not in the late hours of the project. He maintained that the Department should agree very early on in the project what needs to be done, so when the project is ready to be delivered there were no objections. He said language encouraging that might help.

SENATOR JERGESON, said if an interim committee was assigned he hoped the committee would have someone assigned that resided north of Highway 200. He asked if there were away that an alternative project could be let if a delay went beyond a certain time limit.

Jim Walther, said they did in fact do that. He maintained that to put together a highway project was a significant investment of tax payer dollars. He said it didn't make sense and they couldn't afford to have backup positions for every project.

SENATOR MOHL, appointed a committee to work on a resolution to help the Department with some of these issues.

SENATOR COLE, asked if the issues discussed here were similar to those in other states.

Jan Brown, replied she believed everyone was under the gun to deliver an increased overall federal program. She said her Department was working with the states to streamline and deliver the program as quickly as they could.

SENATOR ROUSH, asked what "dirt jobs" were.

Marv Dye, said that would be major reconstruction.

SENATOR ROUSH, said there was a lot of money listed under dirt jobs, but they didn't cover a lot of miles.

Marv Dye, said he was looking at a proposed letting list. He said typically a dirt job would be very low miles.

SENATOR ROUSH, asked if there was anything the committee could do to assist the Department in assuring all the federal money was spent.

Marv Dye, said by the end of the day they would have a list of things that the legislator could do to help them out.

SENATOR MOHL, said they would not get anywhere by being on opposite sides and if all worked together they could produce a good highway program.

ADJOURNMENT

Adjournment: 4:30 P.M.

SEN. ARNIE MOHL, Chairman

PHOEBE OLSON, Secretary

AM/PO

EXHIBIT (his61aad)